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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2007 NOV -2 PM 1:16

U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

TROY BROOKS, et al.,

Plaintiffs,

-v-

DECISION and ORDER
07-CV-0497Sr

DAVID F. NAPOLI, Superintendent, et al.,

Defendants.

One of the named plaintiffs in this action, Thomas Steed, improperly named herein as "Steve Steed," has notified the Court that he wishes to withdraw as a plaintiff in this action because "[he] do[es] not wish to perjur [sic] [himself] in anyway in regards to such matter." (Docket No. 13). Because no answer or dispositive motion has been filed by any adverse party, the notification must be treated as a voluntary withdrawal pursuant to Fed.R.Civ.P. 41(a)(1)(i). Accordingly, Thomas Steed, improperly named herein as "Steve Steed" is hereby dismissed as a plaintiff in this matter without prejudice.

SO ORDERED.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: Nov. 1, 2007